

**BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Stipulation for Surrender)
of License Against:)**

**RUDOLPHUS R. BETTS, M.D.)
Certificate # A 16594)**

No: 11-98-84596

Respondent.)
_____)

DECISION AND ORDER

**The attached Stipulation for Surrender of License is hereby adopted as the
Decision and Order of the Division of Medical Quality of the Medical Board of California,
Department of Consumer Affairs, State of California.**

This Decision shall become effective at 5:00 pm on December 30, 1998.

DATED December 23, 1998.

**DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA**

Klea Bertakis MD

**IRA LUBELL, M.D., PRESIDENT
Division of Medical Quality**

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 RICHARD AVILA,
Deputy Attorney General
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Attorneys for Complainant
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8 BEFORE THE
MEDICAL BOARD OF CALIFORNIA
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
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11 In the Matter of the Accusation) No. 11-98-84596
Against:)
12)
13 RUDOLPHUS R. BETTS, M.D.)
23898 Corte Cajan) STIPULATION FOR SURRENDER OF
Murrieta, CA 92562) LICENSE
14)
Physician's and Surgeon's)
15 License No. A-16594)
16 Respondent.)
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18 IT IS HEREBY AGREED by and between Complainant, Ron
19 Joseph, Executive Director of the Medical Board of California
20 (hereinafter "Board"), who is represented by California State
21 Attorney General Daniel E. Lungren, through Deputy Attorney
22 General Richard Avila, and Rudolphus R. Betts, M.D. (hereinafter
23 "respondent") that the following facts are true:

24 1. On or about September 22, 1955, respondent was
25 issued Physician and Surgeon Certificate Number A-16594, which
26 has been in full force and effect at all times relevant to the
27 allegations noted at numbered paragraph 2 which follows.

1 2. On or about August 10, 1998, following a period of
2 investigation and the establishment of a prima facie case showing
3 that respondent violated sections 2234, subdivision (d) and 822
4 of the Business and Professions Code (hereinafter "Code"), an
5 accusation against respondent was prepared and transmitted to the
6 Board for filing in accordance with section 11503 of the
7 Government Code. A copy of said accusation is attached hereto.

8 3. On or about June 18, 1998, respondent communicated
9 his intent to voluntarily and permanently surrender his license
10 for medical reasons.

11 4. The Board and respondent agree to resolve this
12 matter by Stipulation for Surrender rather than proceeding with
13 the administrative hearing procedure set forth in sections 11503
14 et seq. of the Government Code.

15 5. Respondent has read the attached, signed accusation
16 and understands the nature of the charges alleged therein.
17 Respondent has also read and understands the content, force and
18 effect of this Stipulation for Surrender.

19 6. Respondent is aware of his right to a hearing on
20 the charges contained in the attached accusation. Respondent
21 understands that he has a right to cross-examine all witnesses
22 against him, introduce evidence in defense and mitigation,
23 receive a written decision, and petition for reconsideration and
24 judicial review under the relevant provisions of the
25 Administrative Procedure Act and the Code of Civil Procedure.
26 Respondent knowingly, intelligently and voluntarily waives these
27 rights and agrees to be bound by the terms of this Stipulation

1 for Surrender, Decision and Order. Respondent has not been
2 forced, coerced, threatened or induced in any way into accepting
3 this Stipulation for Surrender, Decision and Order.

4 7. Respondent stipulates as follows:

5 A. The Board can present a prima facie case in
6 support of the allegations contained in the attached accusation
7 which, if proven, would provide cause to discipline his
8 Physician's and Surgeon's Certificate under Business and
9 Professions Code sections 2234, subdivision (d) and 822.

10 B. As to the allegations contained in the
11 attached accusation, respondent freely, voluntarily, knowingly
12 and intelligently waives the right to defend against them.

13 C. Rather than engage in the procedure set forth
14 in Government Code sections 11503 et seq., respondent, for
15 medical reasons, permanently surrenders his Physician's and
16 Surgeon's Certificate for formal acceptance by the Division of
17 Medical Quality.

18 8. Respondent understands that by signing this
19 Stipulation he is enabling the Medical Board of California to
20 issue an order accepting the surrender of his Physician's and
21 Surgeon's Certificate without further process.

22 9. Upon acceptance of this Stipulation by the Division
23 of Medical Quality, respondent understands that he will no longer
24 be permitted to practice as a physician and surgeon in the State
25 of California. The surrender of his license and wallet
26 certificate to the Division of Medical Quality shall remain
27 permanent as of the effective date of the decision. Section

1 2307, subdivision (c) of the Code shall have no application.

2 10. Respondent fully understands and agrees that if he
3 ever files an application for license renewal, relicensure or
4 reinstatement with the Board, it shall be treated as a petition
5 for reinstatement, requiring compliance with all the laws,
6 regulations and procedures for reinstatement of a revoked license
7 in effect at the time the petition is filed, and the factual
8 allegations and causes for discipline contained in the signed
9 accusation attached hereto will be deemed admitted by respondent
10 when the Division of Medical Quality determines whether to grant
11 or deny the petition.

12 11. All stipulations, admissions and recitals
13 contained herein are made solely for the purpose of resolving the
14 dispute raised by the allegations contained in the signed
15 accusation attached hereto, and may not be used in any other
16 proceeding, except for the reinstatement proceeding referenced at
17 above numbered paragraph 10.

18 12. In order to provide for continuity in the medical
19 care of respondent's former patients, respondent agrees that upon
20 receipt of a request from a former patient he shall provide
21 copies of said patient's medical records in his possession to
22 said patient pursuant to California Health and Safety Code
23 section 12310.

24 13. Respondent understands that by signing this
25 stipulation he is enabling the Division of Medical Quality to
26 issue its order accepting the surrender of his license without
27 further process. He understands and agrees that Board staff and

1 counsel for complainant may communicate directly with the
2 Division regarding this Stipulation without notice to or
3 participation by respondent or his counsel. In the event that
4 this Stipulation is rejected by the Division, the latter will not
5 be disqualified from further action in this matter by virtue of
6 its consideration of this Stipulation.

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10 CONTINGENCY

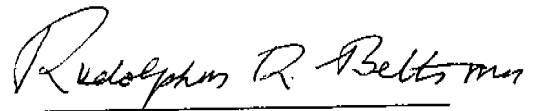
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12 This Stipulation shall be subject to the approval of
13 the Board. If the Board fails to adopt this Stipulation as its
14 Decision and Order, the Stipulation shall be of no force or
15 effect for either party, nor shall it be mentioned or referred to
16 in any legal action between the parties.

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19 ACCEPTANCE

20 I have read the above Stipulation and the attached
21 Decision and Order, as well as the attached signed accusation,
22 agree to be bound thereby, and do hereby surrender my Physician's
23 and Surgeon's Certificate which bears Number A-16594 to the
24 Division of Medical Quality for its formal acceptance. By
25 signing this Stipulation for Surrender of License, I recognize
26 that upon its formal acceptance by the Division of Medical
27 Quality, I will lose all rights and privileges to practice as a

1 physician and surgeon in the State of California and the
2 surrender of my license and wallet certificate shall remain
3 permanent.

4
5 DATED: 11-16-98

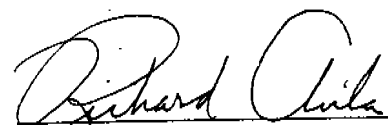

RUDOLPHUS R. BETTS, M.D.
Respondent

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9 ENDORSEMENT

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11 The attached Stipulation is respectfully submitted for
12 the consideration of the Division of Medical Quality, Medical
13 Board of California, Department of Consumer Affairs.

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15 DATED: 11-24-98

DANIEL E. LUNGREN,
Attorney General
State of California

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RICHARD AVILA
Deputy Attorney General
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 10 19 98
BY Constance E. Mosher ANALYST

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Attorneys for Complainant

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation) Case No. 11-98-84596
Against:)

RUDOLPHUS R. BETTS, M.D.)

336 1/2 South Glendora Avenue)
West Covina, CA 91790)

Physician's and Surgeon's)
Certificate No. A 16594)

Respondent.)

ACCUSATION

The Complainant alleges:

PARTIES

1. Ron Joseph ("Complainant") brings this accusation
solely in his official capacity as the Executive Director of the
Medical Board of California (hereinafter the "Board").

2. On or about September 22, 1955, Physician's and
Surgeon's Certificate No. A 16594 was issued by the Board to
Rudolphus R. Betts, M.D. (hereinafter "respondent"). At all times
relevant to the charges brought herein, this license has been in

1 full force and effect. Unless renewed, it will expire on December
2 31, 1999.

3 JURISDICTION

4 3. This accusation is brought before the Division of
5 Medical Quality of the Board (hereinafter the "Division"), under
6 the authority of the following sections of the Business and
7 Professions Code (hereinafter "Code"):

8 A. Section 2227 of the Code provides that the
9 Division may revoke, suspend for a period not to exceed one
10 year, or place on probation and order the payment of probation
11 monitoring costs, the license of any licensee who has been
12 found to be in contravention of the Medical Practice Act.

13 B. Section 2234 of the Code provides that the
14 Division of Medical Quality shall take action against any
15 licensee who is charged with unprofessional conduct, which
16 includes, but is not limited to, the following:

17 "(d) Incompetence."

18 ". . . ."

19 C. Section 822 of the Code provides that if a
20 licensing agency determines that its licentiate's ability to
21 practice his or her profession safely is impaired because the
22 licentiate is mentally ill, or physically ill affecting
23 competency, the licensing agency may take action by any one of
24 the following methods:

25 "(a) Revoking the licentiate's certificate or
26 license.

27 "(b) Suspending the licentiate's right to practice.

1 "(c) Placing the licentiate on probation.

2 "(d) Taking such other action in relation to the
3 licentiate as the licensing agency in its discretion
4 deems proper.

5 "The licensing agency shall not reinstate a revoked or
6 suspended certificate or license until it has received
7 competent evidence of the absence or control of the
8 condition which caused its action and until it is
9 satisfied that with due regard for the public health and
10 safety the person's right to practice his or her
11 profession may be safely reinstated.

12 D. Section 125.3 of the Code provides that the
13 Board may request the administrative law judge to direct any
14 licentiate found to have committed a violation or violations
15 of the licensing act to pay the Board a sum not to exceed the
16 reasonable costs of the investigation and enforcement of the
17 case.

18 4. Section 16.01 of the 1997/1998 Budget Act of the
19 State of California provides, in pertinent part, that:

20 A. No funds appropriated by this act may be
21 expended to pay any Medi-Cal claim for any service performed
22 by a physician while that physician's license is under
23 suspension or revocation due to a disciplinary action of the
24 Medical Board of California; and,

25 B. No funds appropriated by this act may be
26 expended to pay any Medi-Cal claim for any surgical service or
27 other invasive procedure performed on any Medi-Cal beneficiary

1 by a physician if that physician has been placed on probation
2 due to a disciplinary action of the Medical Board of
3 California related to the performance of that specific service
4 or procedure on any patient, except in any case where the
5 board makes a determination during its disciplinary process
6 that there exist compelling circumstances that warrant
7 continued Medi-Cal reimbursement during the probationary
8 period.

9 **FIRST CAUSE FOR DISCIPLINE**

10 (Mental Illness or Physical Illness)

11 5. Respondent Rudolphus R. Betts, M.D., is subject to
12 disciplinary action under section 2234, subdivision (d) of the
13 Code, in relation to section 822 of the Code, in that respondent
14 suffers from a mental or physical illness affecting his competence
15 as a physician and surgeon. The circumstances are as follows:

16 C. Respondent's short-term memory is impaired, in
17 that he is unable to recall facts which recently occurred.
18 Specifically, while being interviewed by the Board on June 18,
19 1998, respondent stated "Last time I talked to Dr. Tennant
20 [his employer] was seven years ago," when in fact respondent
21 had been interviewed by Dr. Tennant in December of 1996, less
22 than a year and a half previously.

23 B. Respondent's long-term memory is impaired, in
24 that he is unsure about important facts that occurred more
25 remotely. Specifically, while being interviewed by the Board
26 on June 18, 1998, respondent stated that he thought he started
27 his employment with Dr. Tennant in "1967 or 1977."

1 C. On or about January 26, 1998, respondent filed
2 a "Disabled Physician Application for Exemption from Payment
3 of Renewal Fee" with the Board. In this application,
4 respondent and his physician, one Imdad Yusufalu, M.D.,
5 indicated to the Board that respondent had suffered bilateral
6 cerebral infarctions [multiple strokes] and atypical
7 Parkinsonian syndrome, commencing approximately December of
8 1996. The disability was stated to be permanent.

9 D. On or about February 2, 1998, at the request of
10 respondent, his license to practice as a physician and surgeon
11 was placed on a disability status and thereafter no practice
12 has been legally permitted to respondent under the Medical
13 Practice Act.

14 E. On or about June 18, 1998, respondent indicated
15 his Parkinson's Disease was not of the type that responds to
16 medication. Also on this date respondent demonstrated his
17 inability to walk was significantly impaired.

18 F. On or about June 18, 1998, respondent executed
19 a declaration under penalty of perjury stating, "I hereby
20 voluntarily surrender my California Physician and Surgeon
21 Certificate No. AFE 16594. I am surrendering my license due
22 to my medical health."

23 G. Respondent's ability to practice his profession
24 safely is impaired because the licensee is mentally ill or
25 otherwise neurologically impaired, or physically ill affecting
26 his competence, in that:

27 (1) Complainant realleges all matters set

forth in Paragraph 5 A through and including 5 F, ante.

PRAAYER

WHEREFORE, the complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Division issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 16594, heretofore issued to respondent Rudolphus R. Betts, M.D.;

2. Revoking, suspending or denying approval of respondent's authority to supervise physician's assistants, pursuant to section 3527 of the Code;

3. Ordering respondent to pay the Board the reasonable costs of the investigation and enforcement of this case and, if placed on probation, the costs of probation monitoring;

4. . Taking such other and further action as the Division
deems necessary and proper.

DATED: August 10, 1998

Ron Joseph
Executive Director
Medical Board of California
State of California

Complainant

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